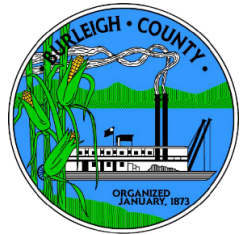




Lincoln, Fort Rice, Riverview, Florence Lake, Burnt Creek, Canfield, Lyman, & Phoenix
Unorganized Townships



Burleigh County Commission Meeting Agenda

Tom Baker Meeting Room, City/County Office Building, 221 N 5th St, Bismarck

Attend in Person | Watch live on Government Access Channels 2 or 602 | Listen to Radio Access 102.5 FM |
Stream on [freetv.org](https://www.freetv.org) or [Dakota Media Access Facebook Live](https://www.facebook.com/DakotaMediaAccess) | Replay later from [freetv.org](https://www.freetv.org)

September 6, 2023

5:00 PM *Invocation by Chaplain*

COUNTY COMMISSION

1. Meeting called to order.
2. Election of Chairman of the board and Vice Chairman of the board if applicable.
3. Roll call of members.
4. Approval of agenda.
5. Consideration and approval of the August 21, 2023, meeting minutes and bills.
6. Consent Agenda:
 - a. Abatements.
 - b. Applications for licenses, raffles, and special events permits.
7. Chelsea Flory:
 - a. Zone Board reappointment.
8. City of Bismarck Mayor Michael Schmitz:
 - a. Bismarck Burleigh Public Health.
9. Daniel Nairn:
 - a. Renaissance Zone Program
10. Marcus Hall:
 - a. Falconer Estates Subdivision
 - b. County Highway 10 load restrictions.
 - c. 2023 Highway fund balance.
 - d. ARPA funds allocations.
11. Kelly Leben:
 - a. ATV update
12. Commissioner Munson:

- a. Equine Center discussion.

13. Commissioner Woodcox:

- a. Budget discussion.

14. Other Business:

15. Adjourn.

Mark Splonskowski

Burleigh County Auditor/Treasurer

**BURLEIGH COUNTY COMMISSION
MEETING MINUTES
AUGUST 21ST, 2023**

5:21 PM

Chair Matthews called the regular meeting of the Burleigh County Commission to order.

Roll call of the members: Commissioners Woodcox, Munson, Bitner, Schwab, and Chair Matthews present.

Chair Matthews asked if the commission could add a brief 4H Achievement Days presentation to the agenda before the other items and add the discussion of the Equine Center to the agenda following. Commissioners Bitner and Woodcox approved adding the 4H Days presentation to the agenda, but the discussion of the Equine Center would have to be tabled until States Attorney Lawyer could do some research regarding funding.

Annette Broyles with Burleigh County 4H Youth Development gave a recap of the 4H Achievement Days held in July. They had 236 members, 49 volunteers, 135 youth exhibits with over 1,000 projects, and 100 community leaders and volunteers at the Missouri Valley Fairgrounds. They are looking for more youth ages 5-18 to join 4H as well as getting more volunteers as they look ahead to starting up again on Sept. 1st, 2023. 4H members Madelyn Meckley and Cassidy Jobe gave impressive presentations on their projects and accomplishments this year and spoke passionately on what 4H has meant to them.

Chair Matthews opened the meeting for public comment. No one appeared for public comment.

Motion by Commissioner Woodcox, 2nd by Commissioner Bitner to approve the August 7th, 2023 meeting minutes and bills. All members present voted, "AYE". Motion carried.

The following abatements were presented for the Board's consideration; a complete copy of which are on file and available for inspection in the office of the Burleigh County Auditor/Treasurer:

Owner	Tax Year	Legal Description	Credit Type	Current MV	Reduced MV
Bismarck Public School District	2023	Lots 1-3, Block 13, Wachter's Subdivision and Replat Part Block 10, Eastdale Addition, Less Tract A	Exempt from Taxation	\$562,000	\$281,000
Ryan & Tori Renner	2023	Lot 4 & NW 2' of Lot 5, Block 21, Casey's 4th	Error in property description	\$241,800	\$207,200
Beverly J Eng	2023	Lot 5, Block 4, Wachter's 7 th	Error in property description	\$287,000	\$279,700
Roger W Domres	2023	Lot 9, Block 2, Southport	Error in property description	\$1,593,000	\$919,200
Diane Harsche	2021	Lot 7, Block 1, Ridgeview Acres	Property is in uninhabitable condition	\$282,500	\$95,500

Diane Harsche	2022	Lot 7, Block 1, Ridgeview Acres	Property is in uninhabitable condition	\$303,500	\$93,500
Diane Harsche	2023	Lot 7, Block 1, Ridgeview Acres	Property is in uninhabitable condition	\$263,500	\$63,300
Nicole M Eckroth	2022	Block 31, N 5' of Lot 21 All Lots 22-23 & S 5' of Lot 24	10% Disability	\$233,500	\$220,989

Motion by Commissioner Bitner, 2nd by Commissioner Munson to approve the Bismarck Public School District, Ryan & Tori Renner, Beverly J. Eng, Roger W. Domres, Diane Harsche (3), and Nicole M. Eckroth abatements along with the remainder of the consent agenda in its entirety. All members present voted "AYE". Motion carried.

County Deputy Finance Director Justin Schulz introduced State Auditor Mike Scherr who presented the results of the 2022 audit. State Auditor Scherr stated there were no financial statement findings and no financial statement concerns identified, however there was a recommendation that Burleigh County ensure that all elements as outlined in 2 CFR 200.332(a) are communicated and documented to the subrecipients of the Coronavirus State and Local Fiscal Recovery Funds program. According to Deputy Finance Director Schulz, there will be a corrective action plan implementing new policies and procedures in 2023 regarding subrecipient monitoring. It was also determined that no action is needed regarding the lack of segregation of duties due to limited personnel at the Burleigh County Water Resource District. Nonetheless, it will be evaluated next fiscal year to see if it is feasible to hire more staff.

Burleigh County Planning Director Mitch Flanagan presented a public hearing on creating an OHV Ordinance due to concerns brought to the commission when operating off highway vehicles in a public right of way. It was noted that this ordinance is not amending State Century Code but is identifying which area of the right of way should be regulated (Sect. 3 Item 10 of the ordinance draft). Several were in attendance and the following are the people who came forward to share that they were in favor of the ordinance: Gaylynn Becker, Kay LaCoe, Brian Fettig, Pat Thompson, Jerry Thomas, Robert Field, Tom Fettig, Kim Fettig, Curtis Jundt, and Don Bohl. Some of the concerns that were shared were the violation of property rights of home owners with pictures of damage to property due to multiple ruts in the ditches; concerns of safety for kids riding and the fear that it is just a matter of time before a tragic accident happens; not being in favor of the 25 mph speed limit; clarification of language needed regarding Sect. 4 Item 5 on Government employees; and a statement that people should check the county website for where government roadways actually are. The people who shared their opposition to the ordinance were: Kristen Berge owner of Action Motor Sports, Bill Lacina, Myron Anton, Angela Arntz, Jeff Sattler, David Mills, Austin Dukart, Annette Behm-Caldwell (owner of Open Road Honda), Travis Jensen, Kevin Seher, Alexander Eisenbarth, and Derek Martin. Reasons given and questions raised for opposing the ordinance were that it would effect farmers and ranchers as they do their work; residents are not in favor of a 25 mph speed limit; how can more laws fix this when State Century Code already exists; more restrictions will prevent responsible and licensed kids from using OHV's from helping family; motor sports dealerships will be effected; can dealerships and the county work together somehow to educate our children on OHV safety with the cooperation of parents; and not wanting to burden law enforcement with extra restrictions. Commissioner Bitner stated that there needs to be some changes in the language of certain sections of the ordinance especially pertaining to government employees, farmers and ranchers, and others doing business so the ordinance would not hinder them.

Sheriff Leben stated that these things are hard to enforce as you have to have an obvious violation to make a stop. He also added that this is a parental responsibility issue and that is hard to police, however the department does a lot of follow up when they receive complaints. Chair Matthews stated that there were 14 OHV complaints over the last two summers. Commissioner Munson asked Sheriff Leben if it was feasible to go into the schools to educate, and Sheriff Leben said it was very difficult to get in with all their other curriculum plans. There was mention from Chair Matthews and Commissioner Woodcox of whether we could post the speed limit and if there should be fines. According to States Attorney Julie Lawyer, there would have to be notification to the public of this and we can post what the Century Code says regarding exhibition driving and fines. Mr. Flanagan reiterated that this is the first draft and the first hearing and there were many good ideas shared with consideration to add or detract, but he emphasized that we are not trying to supersede Century Code or create more restrictions, and that this is only pertaining to OHV's in a public right of way and defining that use. Chair Matthews then ended the public hearing. Burleigh County Planning Director Mitch Flanagan presented an appeal of a permit denial for Sherri Fisher of Baldwin. Ms. Fisher requested a temporary permit for a mobile home on Oct. 4th, 2021. On May 12th, 2023 she requested to change the temporary permit to a permanent placement of the building as her permit expires Oct. 4th, 2023. The request to change the permit from temporary to permanent status was denied because there was no permanent foundation installed for the Mobile Home as per Burleigh County Zoning Ordinance Article 11. Motion by Commissioner Woodcox to extend the permit by two years, 2nd by Commissioner Munson. There was a public comment by Ms. Fisher's neighbor recommending the extension of the permit be denied and that they be required to put the mobile home on a permanent foundation as they have made no attempt to do so in the last two years. Commissioner Woodcox voted "AYE", Commissioners Bitner, Schwab, Munson, and Chair Matthews voted "NAY". Motion denied. Mr. Flanagan then presented an appeal of a permit denial for Cam Knutson. On July 25th, Mr. Knutson requested a permit for a service building that is part of the community septic system at Summit Pt. Subdivision. As part of the infrastructure for the septic system, the building will be used to contain equipment and data systems and will not be occupied except during times of maintenance and service to equipment. The permit was denied because the Storm Water Management Plan and the roads have not been completed or accepted. Typically a building permit is not issued prior to the signing of a final plat. The final plat has not been signed yet. Mr. Flanagan pointed out that the 5th revision of the Storm Water Management Plan has been submitted and is currently under review. Commissioner Bitner stated that when starting these community septic systems, the commission didn't anticipate a permit for the building to supply equipment and he would like this added into the ordinance for the future. Motion by Commissioner Munson to approve the issuance of the building permit, 2nd by Commissioner Woodcox. All members present voted "AYE". Motion carried.

County Engineer Marcus Hall gave a brief history regarding the 66th Street Bridge Project. Then Keli Berglund, Mayor of the City of Lincoln addressed the commission concerning statements made by the commission when deciding to terminate the project. Mayor Berglund shared concerns that Burleigh County Commission chose to terminate this project at a special meeting on July 20th. She stated the notice letter she received on July 10th from the Commission did not have any deadline to provide a response and no indication the Commission was planning to terminate the project, so their city council moved ahead and dedicated \$1 million dollars to it at their Aug. 3rd meeting. The mayor also stated there were comments made at the July 20th Burleigh County Special Commission meeting, indicating that it was the failure of the City of Lincoln to appropriate funding within that 10-day time frame as the cause for termination of this project. The City of Lincoln disagrees and would like the Burleigh County Commission to reconsider the funding of this project. Chair Matthews shared that this project literally tripled in cost since she was elected two years ago, and the Commission just could not afford it as funds were no longer available. Commissioner Bitner then clarified that the decision to terminate the project had nothing to with the City of

Lincoln, the Mayor's contribution, or timing, but only the information that Burleigh county had received and how we reacted to that information under the current construction environment. He added that Burleigh County has been very generous in funding several projects for the City of Lincoln in the past. Mayor Berglund responded with gratefulness for that funding, but stated the city is growing and it takes 40 minutes to get in and out of town. Commissioner Woodcox stated that since the City of Lincoln is the only city in North Dakota of that size that doesn't have a state highway running through it that Mayor Berglund should reach out to the state to request rural development funds to designate a state highway through the city. Marcus Hall clarified also that Burleigh County cannot use federal money (such as what is being used for the Provident Building) to match federal money such as on the 66th Street Bridge project.

County Engineer Marcus Hall presented a request to set a speed limit on the Apple Creek Roadway between 66th Street SE and Bismarck city limits. North Dakota Century Code 39-09 allows the local road authority to alter maximum speed limits on the basis of an engineering and traffic investigation. An investigation took place by the Burleigh County Highway Department to determine the speed at which most drivers are traveling under. Within this segment of the roadway, the pace with 85% of vehicles is around 47-57 mph. Given this information, setting a speed limit of 55 mph seems reasonable. Motion by Commissioner Bitner to establish a speed limit of 55 mph for the Apple Creek Roadway, 2nd by Commissioner Woodcox. All members present voted "AYE". Motion carried.

Burleigh County Deputy Finance Director Justin Schulz presented a request for approval of the Burleigh County Capital Improvement Plan Policy to be added to the Burleigh County Finance Manual. Motion by Commissioner Bitner to adopt the proposed resolution, 2nd by Commissioner Schwab. All members present voted "AYE". Motion carried.

Commissioner Woodcox presented a discussion of the 2024 budget. He is suggesting an 8-9 mil increase to help balance our budget and protect the county in the long run beyond 2024.

Commissioner Schwab presented a concern with the Burleigh County Weed Board and some personnel problems there as it pertains to open meeting laws. He stated that it is becoming a hostile environment on the Weed Board. Comm. Schwab is requesting that another commissioner join him at the next Weed Board meeting. Commissioner Munson volunteered to go to the next meeting with him.

Chair Matthews concluded the meeting by announcing that this will be her last meeting as Chair due to some health changes that she is going through. She will still remain in her role as commissioner but wanted to express that it has been an honor serving as Chair during this time period. In consulting with State's Attorney Julie Lawyer on protocol, there will have to be an election of Chair and Vice Chair at the next Burleigh County Commission Meeting.

Meeting adjourned.

ITEM

7



Burleigh County Human Service Zone

The Provident Building • 415 E. Rosser Ave, Suite 113 • Bismarck, ND 58501-4058

ECONOMIC ASSISTANCE:

Phone: 701-328-1000
Fax: 701-328-1006

CHILD & FAMILY SERVICES:

Phone: 701-222-6670
Fax: 701-222-6644

ADMINISTRATION:

Phone: 701-222-6670
Fax: 701-221-3384

Request for Commission Action

August 30th, 2023

To: Mark Splonskowski
County Auditor

From: Chelsea Flory
BCHSZ Director

RE: Re appointment

Burleigh County Human Service Zone has an advisory board of 8 members, to include myself as presiding officer. Zone board members are appointed by the Burleigh County Commission, and the Commission is also responsible for re appointment of these members.

Currently there are two Zone Board members with terms expiring on 11-30-23, these are 3-year terms. I will be presenting a request to reappoint these members at the September 6th County Commission meeting and will provide additional information at that time.

Thank you,

Chelsea Flory
BCHSZ Director

ITEM

8



August 30, 2023

To: Mark Splonskowski, Burleigh County Auditor

From: Keith Hunke, City Administrator

Re: Agenda Item- September 6th Burleigh County Commission meeting

Please place an item on the September 6, 2023, Burleigh County Commission meeting-
Receive presentation from Bismarck Mayor Schmitz regarding public health funding.
Thank you.

ITEM

9



MEMORANDUM

RENEWAL OF BISMARCK RENAISSANCE ZONE PROGRAM

TO: Chairman Mathews and Burleigh County Commission

FROM: Daniel Nairn, AICP, Planning Manager

DATE: August 30, 2023

The City of Bismarck is seeking renewal of Bismarck's Renaissance Zone Program, and we would like to formally request support for a 5-year renewal during your September 6, 2023 regular meeting.

We appreciated the opportunity to discuss this program during your July 19, 2023 meeting, and we will be able to respond to some of the questions that were raised. Attached to this memo are new or reaffirmed letters of support for a Bismarck Renaissance Zone program from organizations in our community.

The Bismarck City Commission has voted to pursue renewal of the program, and the Bismarck School Board and Bismarck Parks Board both unanimously voted to support the program in August. If the Burleigh County Commission chooses to grant support, the City of Bismarck will enter into a memorandum of agreement with the State Department of Commerce for a five-year period, at which point renewed support from Burleigh County Commission and other political subdivisions will be necessary.

We appreciate your careful consideration of this decision, and please feel free to ask any questions or let the Renaissance Zone Authority know what needs to be done to earn your support.



Imagine better health.®

900 East Broadway Avenue
PO Box 5510
Bismarck, ND 58506-5510

P 701.530.7000
CHISTAlexiusHealth.org

August 30, 2023

Burleigh County Commission
221 N. 5th Street
Bismarck, ND 58501

Dear Burleigh County Commission:

Please accept this letter on behalf of CHI St. Alexius Health in support of the proposed reauthorization of the Bismarck Renaissance Zone.

The Renaissance Zone Program was initially created as a statewide tax incentive program designed to spur revitalization in North Dakota's downtowns. Since the establishment of Bismarck's Renaissance Zone in 2001, the Program has led to many quantifiable successes including:

- \$83 million in documented private investments within downtown Bismarck
- 72 new businesses have opened within buildings built or rehabilitated as RZ projects
- 604 new full-time jobs have been created by those new or expanding businesses
- 250 housing units, of which approximately 40% are currently under construction

Due to this success, CHI St. Alexius Health is in support of the reauthorization.

Thank you for your consideration and please feel free to contact me if you would like to discuss this further.

Sincerely,

A handwritten signature in black ink, appearing to read "Reed Reyman".

Reed Reyman, Ed.S.
CEO

CHI St. Alexius Health
900 E. Broadway
Bismarck, ND 58501
reed.reyman@commonspirit.org



August 18, 2023

Dear Chairman Matthews and Burleigh County Commission,

Please accept this letter on behalf of the Bismarck Mandan Chamber EDC and our more than 1,200 members in support of the proposed reauthorization of the Bismarck Renaissance Zone.

The Renaissance Zone Program was initially created as a statewide tax incentive program designed to spur revitalization in North Dakota's downtown communities. Since the establishment of Bismarck's Renaissance Zone in 2001, the Program has led to many quantifiable successes including:

- ✓ \$83 million in documented private investment within downtown Bismarck
- ✓ 72 new businesses have opened within buildings built or rehabilitated as RZ projects
- ✓ 604 new full time jobs have been created by those new or expanding businesses
- ✓ 250 housing units providing much needed housing in downtown Bismarck

By 2020, the Renaissance Zone had essentially paid for itself because in 2020 the sum of those taxes paid since exempted properties reentered the tax rolls exceeded the value of the exemptions they originally received.

Given this evidence of the success of the Renaissance Zone in the past in Bismarck, the Chamber EDC's Board of Directors continues to vote to formally support reauthorization and I am pleased to share that support.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brenda Nagel".

Brenda Nagel, President & CEO
Bismarck Mandan Chamber EDC



August 25, 2023

Burleigh County Commission
221 N 5th Street
Bismarck, ND 58501

Dear Commissioners,

I am writing this letter in support of the renewal of the Bismarck Renaissance Zone on behalf of First International Bank & Trust. We believe that the Renaissance Zone is vitally important for continued development and growth in downtown Bismarck, and that this growth benefits the entire Bismarck/Mandan community with quality of life enhancements that maintain our competitiveness.

In addition to quality of life enhancements, we are approaching \$100 million in new investment in our downtown that has been strongly driven by the program. This investment adds to the net tax revenue (after factoring in exemptions) that the City of Bismarck, Bismarck Parks District, and Burleigh County receive. The renewal of the program will allow this to continue while adding jobs.

Please accept this letter of support from myself and First International Bank & Trust. Our company fully supports the renewal of the program as important for the further development, growth and competitiveness as a community.

Thank you,

A handwritten signature in blue ink, appearing to read 'Brad Thompson', with a long horizontal flourish extending to the right.

Brad Thompson
Bismarck President
First International Bank & Trust



400 North Fourth Street
Bismarck, ND 58501
(701) 222-7900

July 21, 2023

Burleigh County Commission
221 N 5th Street
Bismarck, ND 58501

Dear Burleigh County Commissioners,

Please accept this letter on behalf of Montana-Dakota Utilities Co. (Montana-Dakota) in support of the proposed reinstatement of the Bismarck Renaissance Zone.

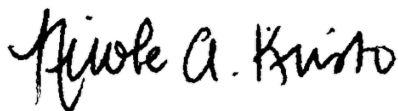
The Renaissance Zone Program was created as a statewide tax incentive program designed to spur revitalization in North Dakota's downtowns. Bismarck's Renaissance Zone was established in 2001 and has led to many quantifiable successes including:

- Over \$83 Million in verified private investment in 136 completed Renaissance Zone projects.
- Another, \$23 Million of investment proposed in six approved projects that are currently under construction.
- Over 600 new full-time jobs have been created from approved Renaissance Zone projects since inception of the program.
- In 2020, the sum of taxes paid since exempted properties reentered the tax rolls exceeded the value of the exemptions they originally received.

Montana-Dakota is an electric and natural gas service provider. We make investments in infrastructure to provide those services to our customers across our service territory, which includes Bismarck and other parts of Burleigh County. Reinvestment within downtown Bismarck provides benefits to the broader community and the region by allowing for cost-effective utilization of existing infrastructure like electricity, natural gas, and many other public services.

Montana-Dakota believes there is overwhelming evidence of the success of the Bismarck Renaissance Zone and supports its reinstatement.

Sincerely,



Nicole Kivisto
President and CEO
Montana-Dakota Utilities Co.



FIRST WESTERN
BANK & TRUST

You can bank on us

P.O. Box 1090 • Minot, ND 58702-1090 • 701-852-3711

July 31, 2023

Burleigh County Commission
221 N 5th St
Bismarck, ND 58501

Dear Commissioners,

I am writing this letter in support of the renewal of the Bismarck Renaissance Zone on behalf of First Western Bank & Trust and myself as a 40 year resident of Bismarck who grew up near downtown Bismarck.

I feel strongly for the continued need for the renewal of the Bismarck Renaissance Zone. We are approaching \$100 Million in new investment in our downtown. The large investment driven strongly by the prior Renaissance Zone has brought a stronger tax base, additional employment, revitalization, and a better quality of life for the residents of Bismarck and Burleigh County.

The renewal of the Renaissance Zone will continue to bring investment into our city and county, further increasing our tax base and making Bismarck a welcomed destination for tourism, local entertainment, housing, and continued business expansion. The renewal will continue to revitalize our downtown economy which in turn creates a vibrant economy for Bismarck and Mandan as a whole.

Please accept this letter of support from myself and First Western Bank & Trust for the renewal of the Bismarck Renaissance Zone.

Sincerely,

Joel Kostelecky
Market President
First Western Bank & Trust



216 N 2nd St, Suite 100 | Bismarck, ND 58501

August 8, 2023

Burleigh County Commission

221 N 5th St

Bismarck, ND 58501

Dear Commissioners,

I am writing this letter to express support for the reinstatement of the Bismarck Renaissance Zone on behalf of The CRA Group and myself.

As a proud resident and advocate for downtown revitalization, I have witnessed the tangible and positive impact the Downtown Renaissance Zone has had. By providing incentives for businesses and investors, the program has successfully attracted new businesses, invigorated existing ones, and created employment opportunities, breathing new life into our downtown district.

The Bismarck Renaissance Zone has played an instrumental role in fostering urban renewal and the beautification of our downtown core. The program has incentivized developers to restore and repurpose historic buildings, transforming them into vibrant commercial spaces as well as spur residential growth with multifamily projects. This transformation has not only revitalized our downtown landscape but has also strengthened the sense of community and pride among our residents. In order to continue this positive growth, there are still more improvements that need to happen.

I urge you to wholeheartedly support the reinstatement of the Bismarck Renaissance Zone. Its continuation will serve as a crucial catalyst for ongoing growth and prosperity in our downtown area, attracting further investment, and creating a thriving urban center we can all be proud of.

Thank you for your dedication and tireless efforts in promoting the well-being of our city and county. Your commitment to preserving and enhancing the unique character of our city center is deeply appreciated.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Kristyn Steckler', with a long horizontal flourish extending to the right.

Kristyn Steckler

Broker | Partner

The CRA Group, LLC



Support: Bismarck's Renaissance Zone Reinstatement

The Downtown Business Association of Bismarck represents over 200 members with 9,000 employees, and along with our Downtown Bismarck Community Foundation, we are again supporting the Bismarck Renaissance Zone Program and we ask for your support in its reinstatement.

Bismarck's Renaissance Zone Program is still very much needed to achieve the financial and programmatic goals set out in the RZ Development Plan and Infill & Redevelopment Plan. This program can make the difference between financing a project and getting it accomplished, or not having a project move forward. Rising interest rates have made the market even more difficult for development. Our Downtown goal of adding new housing mixed use projects has started. Having residents creates an 18 hour Downtown that benefits the businesses and property owners in Bismarck and Burleigh County. There are a few takeaways we think everyone should know about the program:

- 1: The zone has now "paid" for itself. Like any other investment there is a front loaded time period of contribution, that contribution then over time gains critical and exponential momentum. We've always likened the zone to an IRA and not a savings account. Each taxing entity is now reaping the benefits of these Renaissance Zone investments and will continue to in perpetuity.
- 2: We are already at a bit of a competitive disadvantage in Bismarck by not using other incentives like Fargo, Grand Forks and other midwestern competitors. To lose our only infill incentive would be a hard deficit to overcome for Bismarck.
3. The program is still needed for future infill and redevelopment. Particularly infill of surface parking lots, which creates the most ROI for the taxing entities due to the lack of a taxable structure and the benefit of existing infrastructure.
4. Infill isn't a fast investment, but it's a long lasting one for the taxing entities.

We ask that you continue your support of this program for the benefit of Bismarck and Burleigh County.

Thank you for your consideration,

Kate Herzog, COO
Chief Operating Officer
Downtown Business Association of Bismarck

President,
Downtown Bismarck Community Foundation

Rolf Eggers
360 32nd Ave. W.
West Fargo, ND 58078

July 26th, 2023

Burleigh County Commission
221 N 5th St
Bismarck, ND 58501

Dear Burleigh County Commissioners:

I wrote a letter to you fourteen months ago and I detailed many points in support of the Bismarck renaissance zone. Everything I said in that letter still holds true.

When we try to attract new businesses to Bismarck, the potential businesses have a list of what they want in a new community. They want to move to a community that is vibrant, progressive, and has a good quality of life. Part of having a quality of life is that we have things to do for the new worker transplants. A vibrant, livable, walkable, and busy downtown is part of what they want. For those of us who have lived in Bismarck most of our lives, we think that we have everything that we need for a good quality of life already. However, I believe that potential transplants see this differently. They view us as having a very inhospitable climate and a very isolated location with not much to do. Are they wrong?

If we do gain the interest of an employer and they come to look at our city, viewing the downtown is part of what they do. When they tour downtown Bismarck, what do they see? They see that Blarney Stone is active and that we have a couple of other better restaurants. They also see that we have many vacant storefronts and that it is pretty quiet. What they cannot see is the massive and growing amount of vacant office space but they will see that lack of vibrancy due to the lack of downtown workers. If people want to spend much time downtown, do we have enough to keep them busy? We don't. The downtown has come a long way but it has a very long way to go.

When my wife and I travel, we love going to interesting towns to enjoy the local attractions and mom and pop restaurants for special foods from the area. It usually is the downtown that has the nicer, local attractions. When people evaluate towns, the health of the downtowns pretty much sets the tone for what people expect the rest of the town to be like. You will never hear of potential employers moving to Bismarck because we have a great Cracker Barrel.

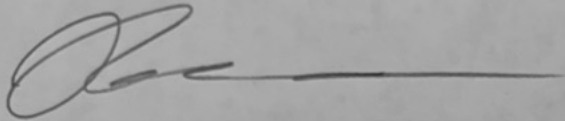
Last year and recently, Daniel Nairn did a wonderful job of explaining to you how the Bismarck renaissance zone has been a big financial benefit for our tax base. His presentations were very well presented and unambiguously show the benefits to the county taxpayers. Nobody has presented any information refuting anything that Mr. Nairn has presented. It is clear that Mr. Nairn's information is unassailable.

In the last few years we have seen the oil bubble deflate and Covid decimate many of our small businesses. In the last year, we have also seen interest rates double. We have a very hard time attracting new workers to the area and the best and brightest of our young people continue to leave the state as

soon as they graduate from high school. Do you think that we can afford to get rid of a program that is a net-gain financially for our county?

If you only look at the financial benefit to our county, the renaissance zone is a clear winner for the county taxpayers and we get a revitalized downtown and its resulting economic benefits as an added bonus. Recently I heard that that our county budget is in poor shape and that you have to raise our property taxes again. Why would any commission vote against something that would improve our downtown, our way of life, and put money in the county coffers?

I respectfully request that you do the right thing for Burleigh County taxpayers and vote for the renaissance zone.

A handwritten signature in dark ink, appearing to be 'Rolf Eggers', followed by a long horizontal line extending to the right.

Rolf Eggers

We're in this Together.

Dear Burleigh County Commissioners/Bismarck Leaders -

We are writing in strong support of renewing the Renaissance Zone tax deferral program in downtown Bismarck. In full disclosure, we are recipients of the 5 year tax increase deferral benefit in the Renaissance Zone for our Fleck House, Roanoke Apartments and the Annex housing projects on Thayer and 2nd Street on the north edge of downtown. There is a visible new market prompting new investment in downtown. More existing and new residents and businesses are seeking 'walkable' neighborhoods. Downtown provides that alternative. We are excited to bring new housing options to downtown Bismarck.

A strong downtown is vital to the economic success of the region. The downtown works together with well planned transportation and new development areas to create a 'complete', forward thinking community. It's not 'either/or'. We're in this together.

Critics argue they want a 'level playing field'. Land economics experts recognize there is **not a level playing field**. Each type of development has different needs. Urban redevelopment and greenfield development are different. It's complicated. There are many variables, but it's more expensive to build in the downtown. Land costs are much higher - greenfield sites don't require demolition and cleaning up environmental sins of the past. And building costs are higher in the core.

There are significant federal, state, and local public investments made to provide infrastructure and services to greenfield development. Most are 'less visible' than the Renaissance Zone program. Tax policy and government spending have long been used to direct private investment to support community goals. Locally, think of the farm and energy programs employed to support business delivering community goals. In real estate, the low income housing tax credit has helped 'level the playing field' to produce much needed affordable housing. Many Bismarck residents benefit from the mortgage interest deduction and Federal loan programs, both significant public investments to support home ownership. I'm sure the Renaissance Zone critics take full advantage of the tremendous - and costly - federal tax benefits afforded real estate investors. But it's not either/or - it's both/and.

The benefits of the Renaissance Zone are a small step in 'leveling the playing field'. The value of our tax deferral represents 2% of our total project budget - 98% of the funding is private. Yet our project will produce almost 10x the previous real estate taxes on the site. Using public tools, like the RZ tax deferral, has proven to be a very good investment in smart towns and cities all over the country. There is no City money paid out. The only

'subsidy' is the City deferring collecting the new higher taxes for 5 years. For the rest of time the taxes will be almost 10x the previous level and contribute to the 'cost of running Bismarck'. It's a fact that downtown development pays much more tax per acre than lower density development. Done properly (very important), investment in downtown is economic development.

In addition to the economic benefits, the social and environmental benefits of downtown create value for the whole community. Downtown celebrates history and provides identity for the community - important for residents and for recruitment. It's a place for all people to gather and celebrate. And it's green. Beginning with reuse and cleanup of land, higher density, compact, walkable development has proven to have less environmental cost than low density development.

We encourage the Bismarck leaders to renew the Renaissance Zone and look at **all ways to support high quality development from center to edge.**

Sincerely,



Michael Lander



Tony Kriha



Pine Properties, LLC
P.O. Box 6151 • Bismarck, ND 58506-6151
(701) 751-2325

July 20, 2023

Dear Commissioners:

I wrote a letter two years ago in support of the Renaissance Zone tax benefits. I am now updating my previous letter in hopes this time the City and County will both approve this tax incentive.

The Broadway Centre is located at 100 West Broadway Avenue. The building is a multi-use project with 17 luxury condos on the third floor, the second floor and first floor are for retail and professional tenants, and provides underground parking for the condo owners and a number of commercial tenants. The building also holds the Broadway Grill & Tavern (also owned by my wife, Carla, and myself), The building, including the parking, is approximately 155,000 sq. ft. Prior to the construction of our building the land was previously occupied by the Wilhelm car dealership.

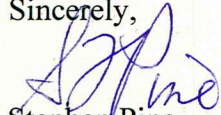
I have been fortunate in my oil companies endeavors and through numerous speculative ventures in the Williston Basin we achieved a certain modicum of success. My wife and I enjoy the Bismarck area and wanted to do something in downtown Bismarck that would benefit the community. This probably will sound backwards, but it was only after we were successful in purchasing the property that we developed a business plan, that is now the Broadway Centre. We would not have considered a project of this magnitude without the tax incentives provided by the Renaissance Zone; the risk is too great. And, there is now a substantial tax base for downtown that was not there before. We have been at this for more than 10-years now, and we still have one finished condo (model available for sale) and two unfinished units to sell and approximately 13,500 sq. ft. of commercial space on the second floor available to lease. Our property tax exemption has expired and we now are paying approximately \$150,000 annually in real estate taxes (this includes the 3-condos). As you can see from our previous letter in two years not much has changed other than leasing approximately 2,500 sq. ft. to a new tenant on space that was already built-out. My main concern is the city of Bismarck is over developed for commercial space and because more people are working from home it will take a number of years to lease the remaining commercial space. I try to remain optimistic we may sell the remaining 3-condos in the next couple of years, although nothing happened in the past two years. We certainly could have made more money if we would have invested in other businesses or the stock market, but we chose to do this project instead.

If the city wants to see future growth and development downtown, it needs to keep the Renaissance Zone tax benefits in place. We removed a dilapidated building and replaced it with a beautiful three-story structure, provided Class A commercial space, downtown housing and a great

restaurant. All of the things we did are needed to revitalize downtown Bismarck and more projects like ours are also necessary to help the city grow.

Renaissance Zone tax incentives do not compete with development in other parts of the city. It is much more expensive to revitalize downtown then to move into a new development that has new infrastructure for power, sewer and water and streets. It takes dedicated developers investing significant money, time, and energy to revive downtown Bismarck. Please do not take that incentive away again. This program has been used throughout the country with great success.

Sincerely,



Stephen Pine
Pine Properties, LLC



To: Burleigh County Commissioners
From: Barry Schumaier, General Manager & Vice
President, KFYR TV
Re: Renaissance Zone reinstatement
August 1, 2023

I would respectfully ask you, as a commission, to vote to reinstate the Renaissance Zone program. I've lived here in Bismarck since 1999. My desire is to retire here one day, and I desperately want a thriving community for my kids and grandkids to live and work in. I work in downtown Bismarck, for KFYR TV. When I moved here in 1999, I would get off work at 5pm on a Friday, I could walk outside our station and not see a single person or vehicle engaged in any commerce, I believe there were only two restaurants within four blocks. Now, when I leave the station, almost any evening, I can see crowded restaurants and shops and no parking spaces available. Surely not all that progress is due to the RZ, but if 118 structures and buildings have received funding, we must recognize the impact. The single most important metric of any growing or thriving community, like Bismarck, is the health of the downtown sector. If you think of Sioux Falls, Fargo, Rapid City, their growth is very linked to their improved downtown economy.

Our city, like every city in the midwest is fighting for commerce. I believe in Bismarck enough to know that we can win a fair fight, but we will not win a fight that is unfairly stacked against us. When downtown districts like Minot, Fargo, Dickinson, Grand Forks, even Mandan across the river, have more incentives than Bismarck, it doesn't bode well for our future. Our great states Capital deserves more.

Thank you to anyone that took the time to read this, and I implore you to reinstate the Renaissance Zone funding, so Bismarck and Burleigh County can continue to thrive and win against other communities we will surely be in competition with.

Sincerely,

Barry Schumaier
General Manager V.P.
KFYR TV

Tue, Aug 22, 4:44 PM ()

Tim Atkinson

August 22, 2023

Kate Herzog, COO

Downtown Business Association

Bismarck, ND

Dear Kate,

I'm writing to let you know that I support the reinstatement of the Bismarck Renaissance Zone Program. Over the many years that it was in place, I observed that it supported the Program's mission of encouraging reinvestment in downtown properties, which did indeed strengthen the core of the Bismarck community. It's been a fabulous start but there is still plenty of opportunity left to harvest. I hope that the Program is renewed so that additional benefits to the community can be received from it.

Sincerely,

Timothy R. Atkinson

Reaffirmations of Previously Submitted Letters

Schaffer, Todd
<Todd.Schaffer@sanfordhealth.org>

Aug 3, 2023
10:12 AM

to me,
dnairn@bismarcknd.gov

Dear Interested Parties,

Please accept this message on behalf of Sanford Health in support of the proposed reauthorization of the Bismarck Renaissance Zone as noted in the attached support letter from last year.

v/r:

Todd Schaffer, MD

President/CEO

Sanford Health | Bismarck

Mr. Jim Peluso, Chairman
Burleigh County Commission
221 N 5th St
Bismarck, ND 58501

Dear Chairman Peluso,

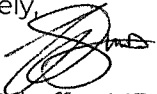
Please accept this letter on behalf of Sanford Health in support of the proposed reauthorization of the Bismarck Renaissance Zone.

As the largest private employer in Burleigh County, Sanford Health understands the importance of maintaining a high quality of life in our community to attract and retain workforce. A vibrant downtown plays a key role in that effort. The Renaissance Zone Program, a statewide tax incentive program designed to spur revitalization of North Dakota's downtown, has helped elevate Bismarck's downtown and the entire community since the establishment of the city's Renaissance Zone in 2001.

In that time, the program has led to \$83 million in private investment in downtown Bismarck, 72 new businesses within buildings built or rehabilitated as Renaissance Zone projects and 250 housing units in the downtown area. These projects have helped enhance Bismarck and help make the community a destination of choice for employees, including physicians, nurses and other in-demand healthcare professionals.

Given the success of Bismarck's Renaissance Zone to date and the importance of a thriving downtown to the community, Sanford Health encourages the Burleigh County Commission to support extending the program.

Sincerely,



Todd Schaffer, MD
President/CEO
Sanford Health, Bismarck Region

Fri, Aug 4, 8:51 AM

Karel Sovak

to me

Kate,

We are all in support of having the Renaissance Zone reinstated for Bismarck.

Thank you,

Karel

To: Downtowners/City and County Commissions/School Board and Bismarck-Mandan Chamber EDC

From: Dr. Karel Sovak, Dean, Gary Tharaldson School of Business

May 20, 2022

Re: Renaissance Zone renewal

To Whom It May Concern,

I am writing to encourage the support to extend the Renaissance Zone (RZ) program which is up for renewal. This program has provided an incredible revival of our downtown area and has enhanced the entire community. As it has been noted, when a community's downtown is vibrant, the quality of life is increased throughout the entire community.

Bismarck is no different.

From my understanding, the RZ program has paid for itself through the fiscal impact to the city, county, schools, and parks. Those businesses on the exemption list have now entered the tax rolls and the values on those properties have increased significantly. This has resulted in an estimated \$688,091 revenue generated from building construction and/or rehabilitation. This success helps to pave the way for future investments in this RZ area, with a proposed over \$23 million investment underway. The overall value of property in the RZ has risen from \$91 million to \$241 million since 2001. The program not only makes it attractive for investors, but it has also not detracted developers from investing in our community in other areas. This rising tide has helped to lift all boats.

If the RZ program were to go away, Bismarck would be at a significant disadvantage with the communities who have opted to keep the program intact. Investment dollars that could otherwise be considered for Bismarck would seek to develop in those areas where such programs are still in place. Additionally, once this program is removed, it would take a considerable effort to get it back in place. Even if that could be secured, Bismarck would experience a deficit in any additional new building and/or rehabilitation until the program could be put back into place.

Every developer makes a decision on where they desire to locate and what is an incentive for them to choose a community. Some use the growth of an area or heavily populated traffic counts, perhaps even existing competition. Others utilize incentive programs like the RZ. This is just one of the factors used; however, it is a critical factor for many who wish to see a certain part of the community made more whole – whether that is proper in-fill, new building or rehabilitation of existing buildings. The growth in our community comes from everyone pulling together. There is a need and a place for the RZ to exist in Bismarck. Please consider supporting the renewal of this program.

Respectfully submitted,


Karel Sovak

David Witham

Mon, Aug 7, 3:03 PM

to Dawn, me

Dawn Kate,

Please see attached my original letter of support from last year. Denizen Partners remains supportive of the RZ program!

David Witham

Denizen Partners

David.Witham@Denizen.Partners

Main: 701-989-5943

Direct: 701-934-3277



June 1, 2022

Dawn Kopp, CEO
Downtown Business Association of Bismarck
215 N. 3rd Street
PO Box 521
Bismarck, ND 58502-0521
701-663-4758

Dawn,

I am writing to you in support of the Renewal of the Renaissance Zone (RZ) as the formal approval of the program is considered by the various local political subdivisions. Please forward this letter as you see fit to elected officials and others that may find my testimony of interest. As you know, I can speak from professional experience how this program affects the feasibility of development projects located within the RZ.

As a matter of introductions -- to those who may be reading this -- I am the managing partner of Denizen Partners. We are the sponsors of the development of a new mix-ed use building located at 630 E Main Ave in Bismarck, which we have branded as the "Trestle". This development included 52 market-rate apartments, and 10k sq. ft. of commercial space on the ground floor. This property will likely contribute well north of \$100k in take revenue to public revenues annually, where no taxable improvement value existed before.

We are a locally owned and operated firm, with an exclusive focus on infill development in our local market. Denizen Partners seeks out development opportunities, vets' development concept feasibility, assembled capital for the execution of the projects, and oversees the execution and long-term management of the new properties. We anticipate this to be the first among many similar projects in and around downtown Bismarck.

I am aware of two primary criticisms of the RZ program:

- Concerning its effectiveness - The growth in the tax base that it allegedly facilitates would happen even without the concessions from public taxing entities.
- Concerning Fairness - the assistance granted through the program is picking winners and losers on an arbitrary basis, with no benefit to anyone but a targeted special interest group.

Concerning the effectiveness of the RZ program:

- **The RZ delivers projects that would not occur without the program.** RZ provides a substantial degree of risk mitigation in the first few years of a new development's operation, such that it becomes an attractive-enough investment opportunity -- with regards to risk vs return vs alternative investment opportunities - to attract private equity investment. I can say definitively that we would not have been able to complete the financing of our project without the RZ factor.
- **The RZ program creates a substantial return on investment of public dollars.** The RZ stipulates a minimum 50% improvement value vs existing, coupled with the maximum 5-year deferral period, these policies ensure a minimum 10% return on investment each year. In the case of the Trestle, we are generating a 20x increase in property value. As such, we will generate 400% rate of return each year, vs the pre-existing tax.

But would that same growth occur elsewhere? With a similar (or better?) rate of return on public investment? That brings us to the issue of fairness:



P A R T N E R S

- **Infill and Edge growth serve different segments of the market**, with different value-proposition to the end-user/customer. Edge development will not necessarily address the same market demand if infill development is no longer financially feasible.
- **They require different kinds of public investment**. Where infill becomes feasible with sensible tax policies, edge development requires government to fund expansion of arterial roadways, and other facility costs. Edge development does not occur without government investment in infrastructure.
- **Bookkeeping on infill is simple and straightforward**. As demonstrated above.
- **We are not currently analyzing financial performance of public investment in the expansion of services**. Where infrastructure costs are necessary to facilitate new growth, the ratio of public to private investment must be scrutinized to ensure that revenues will exceed cost over the long term. We are not currently conducting this analysis. We should!

Concerning Fairness:

- I agree with the sentiment that “Government should not be in the business of picking winners and users, but rather should treat all development equally and fairly”
- As a way of defining fairness, Government should act in its rational best interest regarding any growth-oriented expenditures.
 - Clear and concise policies should be in place and available for public scrutiny.
 - These policies should be designed to ensure a return on investment and downward pressure on overall tax rates.
- The RZ meets these criteria.
 - The RZ Development Plan is available for all to review.
 - The accounting of the financial impact of the program on public finances are demonstrably positive, with a minimum 10% annual yield to taxing entities vs existing values.
- No other development process provides the same level of transparency nor receives this level of scrutiny, but when it comes to the question of fairness, and generating a positive long term cashflow, and downward pressure on property taxes.... Perhaps it should!

In the rational best interest of the taxpayers, please continue the RZ program. In the interest of fairness, please support the development of a comprehensive policy that will allow the same level of public, financial scrutiny of all growth-oriented government expenditures to the same standard that the RZ Development Plan currently provides for the projects that receive its support.

Sincerely,

David Witham, Managing Partner
Denizen Partners

Mon, Aug 7, 9:57 AM

Lance Thorson

to me

JL Beers is still in support of the Renaissance Zone in Downtown Bismarck.

Thanks!

Lance Thorson

JL Beers of America, Inc.

Phone: 701-237-5151 ext. 15

Mobile: 701-388-7000

Email: lance@jlbeersusa.com

www.jlbeers.com



16 Broadway, Suite 208
PO Box 2043
Fargo, ND 58107-2043
Phone: 701-237-5151 • Fax 701-237-3189

May 31st, 2022

Burleigh County Commissioners,

I'm writing to you on behalf of our businesses - JL Beers & Borrowed Bucks Roadhouse – that are in the heart of Downtown Bismarck. We have been members of the downtown community for nearly 30 years and we want to voice our support for renewing the Renaissance Zone in Downtown. Many great improvements have been made with the assistance of the Renaissance Zone over the years, but there is still more work to be done to continue the development & growth of Downtown Bismarck.

Thank you for your consideration!

Sincerely,

A handwritten signature in blue ink, reading "Lance Thorson".

Lance Thorson

JL Beers

Borrowed Bucks Roadhouse

Aug 3, 2023

10:15 AM

Dave Diebel

to me

Hey Kate,

As a partner in two businesses based in Downtown Bismarck, I would like to express our continued support for the Renaissance Zone. I firmly believe that the reinstatement of the Renaissance Zone is crucial for sustained growth and development. With its reinstatement, we can continue to build upon the successes of the past and ensure a promising future for our community.

David Diebel

D&N Cinematics LLC

River Road Partners LLC

Thanks!

Dave

David Diebel | Producer

D&N Cinematics LLC

701.220.7724

dncinematics.com

May 24th, 2022

To Whom It May Concern:

We'd like express our appreciation and support for the Renaissance Zone program. In 2016 our group of 5 friends saw an opportunity to invest in a nearly 100 year old property on East Main Street. This was an ambitious undertaking for us from a time, capital and resources standpoint. Our group successfully applied for the renaissance zone incentive which took effect officially in 2018.

The benefit we have received from being part of the renaissance zone has helped us to directly reinvest into the property. Since taking ownership of the property we have invested over 250,000.00 into the building including facade improvements, safety improvements, plumbing, mechanical and electrical updates and extensive renovations and restorations throughout the building.

The building features mixed uses with 3 residential units in addition to the main level and basement office space. The impact to the businesses within have been notable, all demonstrating growth and adding full time employees since 2018.

The property tax deferment helped us reinvest into the structure and subsequently create a more valuable property as part of the tax base. In the time since we purchased the property, the entire block has become increasingly vibrant with food, nightlife and assorted retail and services—many of which have utilized this program to bolster their respective business. This is a visible and tangible testament to the success of the renaissance zone and its continued impact on our community, our local businesses, and Bismarck residents.

Thank you,

David Diebel

Co-Founder | D&N Cinematics LLC
Partner | River Road Partners LLC
212 E Main Ave, Bismarck, ND 58501

Mon, Aug 7, 9:30 AM

(1 day ago)

Jon Youness

to me

Kate,

We are in support of the Renaissance Zone reinstatement efforts. This tool is critical to continuing downtown revitalization efforts. Without the RZ, or First Street Lofts project would not have moved forward. Thanks.

Jon

Jonathan Youness, PE

Eagle Ridge Development

3280 Veterans Blvd – Suite 300

Fargo, ND 58104

(o) 701-936-8092

(c) 701-306-0799

(f) 701-281-8007

(e) jyouness@eagleridgecompanies.com



May 31, 2022

Burleigh County
221 N 5th St
Bismarck, ND 58501

RE: Bismarck Renaissance Zone Support

To whom it may concern:

EagleRidge Development is in full support of renewing Bismarck's Renaissance Zone. The Renaissance Zone program allowed our project, First Street Lofts, in Downtown Bismarck to be financially feasible. First Street Lofts brought 56 modern apartments to the neighborhood. Without this program, the project would not have been constructed.

We are very happy to be a part of the Downtown Bismarck community.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jon Youness", is written over the typed name.

Jon Youness, PE
EagleRidge Development
3280 Veterans Blvd, Suite 300
Fargo, ND 58104

Steph Smith

Tue, Aug 1, 2023
12:06 PM (2 days ago)

to me

Kate,

My letter is attached and I am still in support of the RZ Reinstatement.

Thank you,

Steph Smith

Office Manager

313 East Main Avenue

Bismarck, ND 58501

work: 701.323.0891

cell: 701.590.1732

STEPH SMITH

Architect

BISMARCK . ND

701.590.1732

Chair Peluso and Commissioners,

After watching the replay of the April 18th County Commission meeting, I felt the need to reach out.

I'm extremely disheartened at the vote to 'pause' the Renaissance Zone Program. It's my understanding that if the program expires, state law does not allow it to be renewed and our city would lose a vital economic development tool. Therefore, without County support it would not be 'paused' it would be cancelled, without any clear path for our city to gain access to those funds again.

I do understand the need for economic incentives benefiting the whole community, but as stated, the city's core is generating more taxes, that are then benefiting the community as a whole. Perhaps we look at options to add other programs/incentives for city wide new development versus cutting what's already available. The Renaissance Zone Program is a necessary tool to remain competitive in attracting new developers and to revitalize property which may sit vacant for years and years.

It's my belief that we need more initiatives to revitalize existing infrastructure, versus spending obscene amounts on expanding utilities which are just creating in urban sprawl situation.

I am asking you to please support the extension of the Renaissance Zone Program.

Sincerely,

A handwritten signature in black ink that reads "Steph Smith". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.



107 W. Main Ave., Suite 125 | Bismarck, ND 58501
866-554-5383 | Fax: 701-255-2242 | TTY: 877-434-7598
aarp.org/nd | ndaarp@aarp.org | twitter: @aarp_nd
facebook.com/aarpnd

August 30, 2023

Dear Burleigh County Commissioners,

AARP North Dakota appreciates your service to the county and the communities within it. A non-profit, non-partisan membership organization with approximately 82,000 members in North Dakota, we know that the vast majority of people age 50 and older in our communities want to stay in their homes for as long as possible. That's why AARP promotes and supports policies and programs that benefit all residents and foster economic growth – programs like the Renaissance Zone.

It's our understanding that Bismarck is looking to reinstate its Renaissance Zone (RZ) program. As you may know, the RZ program has provided tax exemptions and credits to both residents and businesses for revitalization and redevelopment activities within the downtown Bismarck zone. The RZ encourages reinvestment in downtown properties which, in turn, strengthens the core of the Bismarck community. The RZ provides both property tax and income tax incentives to property and business owners who invest in qualified projects. We've seen many of these projects benefit older Bismarck residents.

Last year, AARP North Dakota urged the City of Bismarck to become the first North Dakota community to join the AARP Network of Age-Friendly States and Communities. The common thread among the 400 enrolled communities and states is the belief that the places we live are more livable and better able to support people of all ages when local leaders commit to improving the quality of life of all residents -- ensuring communities remain walkable, accessible, and provide services to all residents, including older adults. By promoting infill, redeveloping blighted properties to increase local taxes that fund needed services, and supporting the medical community in the heart of our city, the Renaissance Zone program enhances those age-friendly measures.

As you know, when done well, community planning spurs economic development that helps all members of a community and its surrounding region thrive. Redevelopment reuses previously developed land to catalyze new economic growth. It can provide new housing options and community amenities that encourage growth and improve quality of life. In areas experiencing disinvestment and declining property values, effective land use and redevelopment planning can help reverse those trends.

AARP ND supports the RZ program and encourages you to authorize it for another 5-year period as requested by the City of Bismarck. Communities with safe, walkable streets; age-friendly housing and transportation options and access to needed services are communities where

residents of every age are able to participate in community life. The Bismarck Renaissance Zone helps to ensure that Bismarck is a place where everyone thrives.

Thank you again for your service. AARP North Dakota is committed to working with you now and moving forward. If you have questions or wish to discuss these items further, please contact me at jaskvig@aarp.org or 701.355.3642

Sincerely,

A handwritten signature in blue ink, appearing to read "J Askvig".

Josh Askvig
State Director
AARP North Dakota

ITEM

10



BURLEIGH COUNTY HIGHWAY DEPARTMENT

8100 43RD AVENUE NE
BISMARCK, ND 58503
701-204-7748
FAX 701-204-7749
www.burleighco.com

Request for County Board Action

DATE: September 6, 2023

TO: Mark Splonskowski
County Auditor

FROM: Marcus J. Hall
County Engineer

RE: Falconer Estates Subdivision

Please place the following item on the next Burleigh County Board agenda.

ACTION REQUESTED:

Authorize the proper County officials to create the Falconer Estates Subdivision special assessment district (SAD).

BACKGROUND:

The residents of Falconer Estates Subdivision have requested that the Burleigh County Board create a special assessment district under NDCC 11-11-55.1 for the paving of roadways and for the application of a chip seal to the existing roadways (approximately 0.331 miles.) within their Subdivision. We have received a petition with what appears to be at least 60% of the local residents. The Highway Department is requesting that the County Special Assessment Screening Committee meet to review the petition and consider the feasibility of the project and the predictability of solvency of the district. Recommendation for approval or rejection will be brought back to the County Board.

RECOMMENDATION:

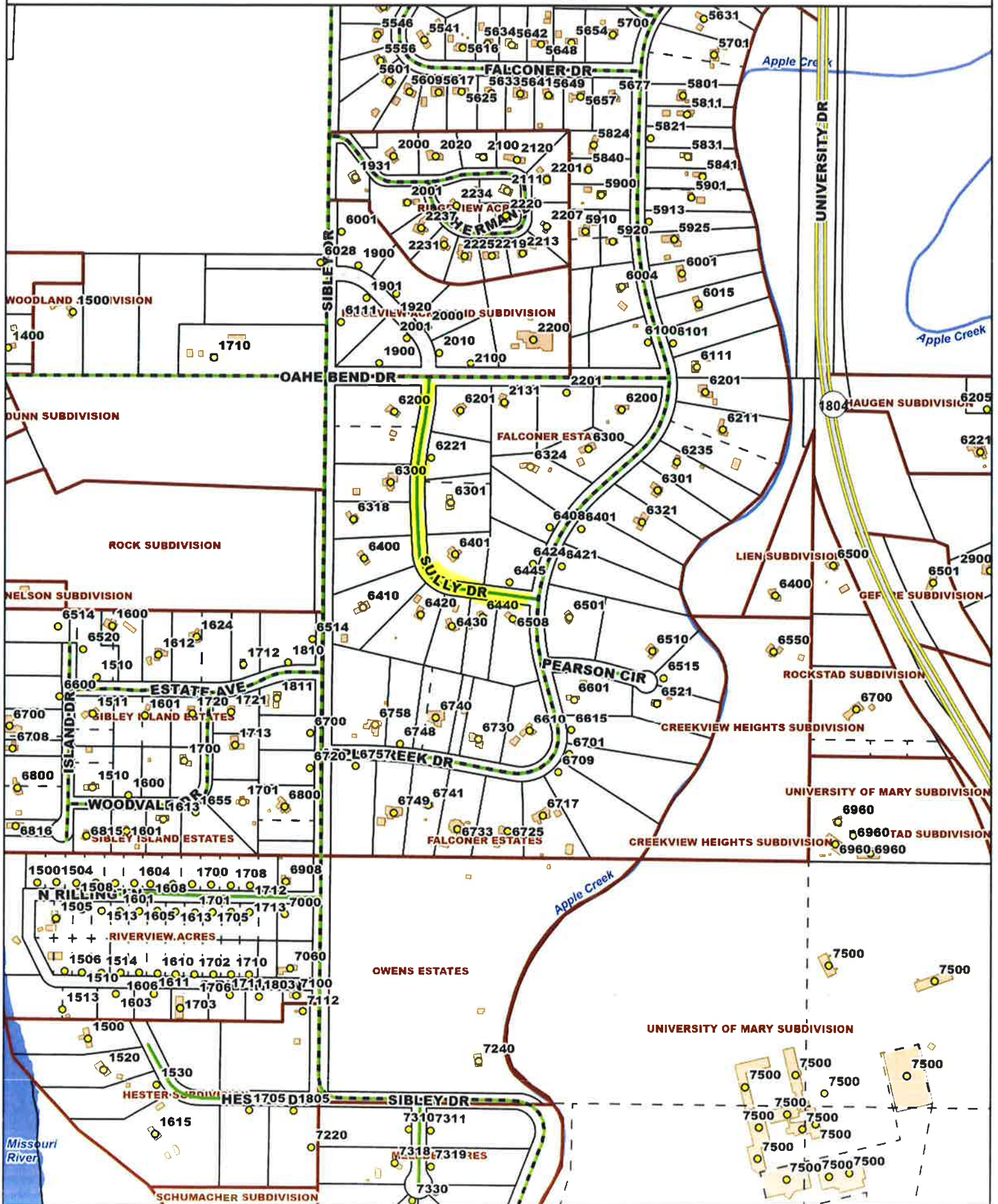
It is recommended that the Burleigh County Board adopt the attached proposed resolution.

PROPOSED RESOLUTION:

THEREFORE, BE IT RESOLVED: That the proper County officials are hereby required to create and number the Falconer Estates Subdivisions special assessment district (SAD), and direct the County Special Assessment Screening Committee meet and review the petition.

BURLEIGH COUNTY, NORTH DAKOTA LOCATION MAP

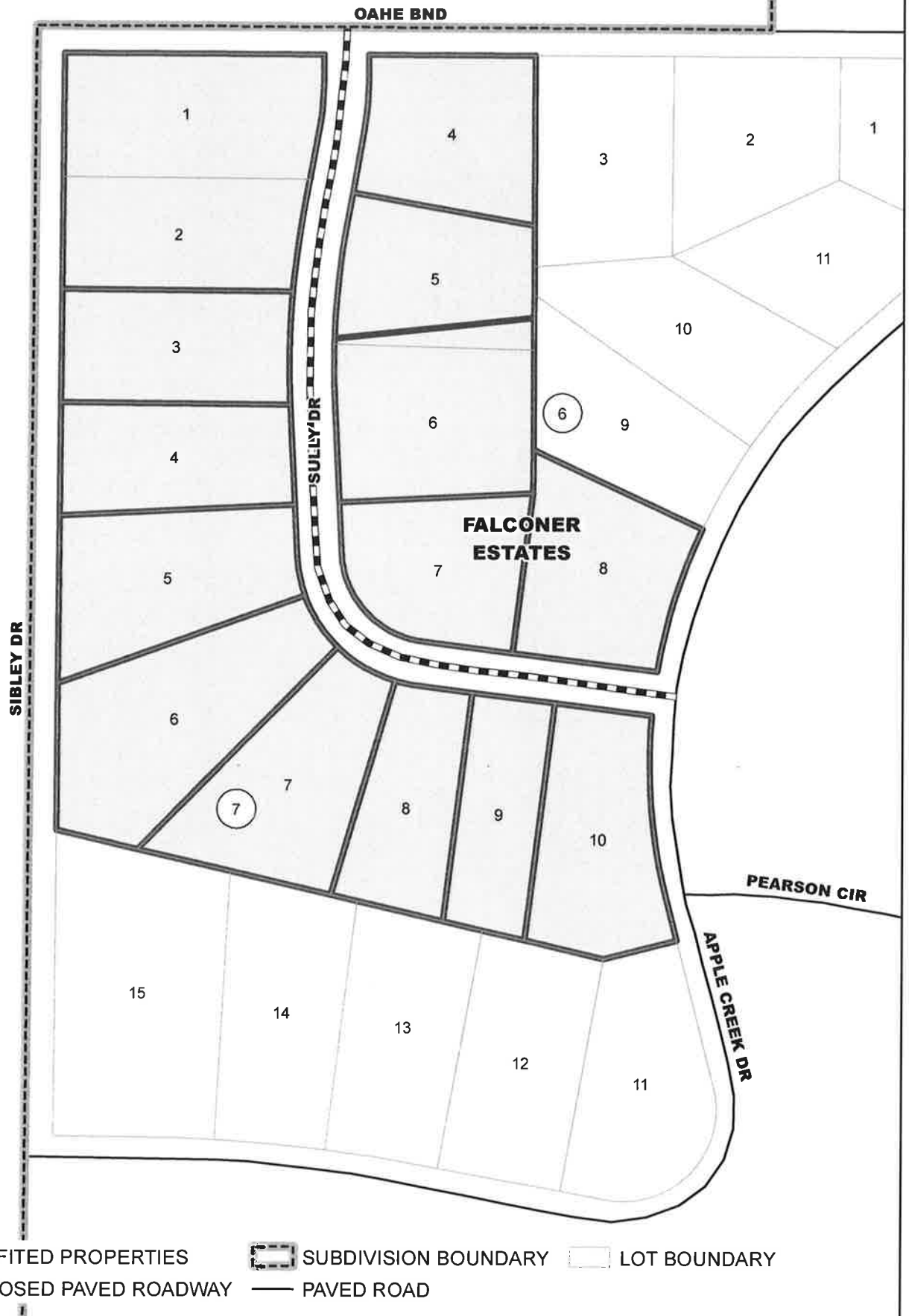
N
8/25/2023



BURLEIGH COUNTY, NORTH DAKOTA

BENEFITED PROPERTIES

N
09/27/2018





BURLEIGH COUNTY HIGHWAY DEPARTMENT

8100 43RD AVENUE NE
BISMARCK, ND 58503
701-204-7748
FAX 701-204-7749
www.burleighco.com

Request for County Board Action

DATE: September 6, 2023

TO: Mark Splonskowski
County Auditor

FROM: Marcus J. Hall
County Engineer

RE: County Highway 10

Please place the following item on the next Burleigh County Board agenda.

ACTION REQUESTED:

Review request and direct staff on how to proceed.

BACKGROUND:

Up until January 1, 2016 Burleigh county operated an oversize/overweight program within the County under NDCC 39-12-01. This program caused some confusion between the State, City and adjacent Counties so on September 2, 2015 (to take effect on January 1, 2016) the County Board adopted the State of North Dakota legal load weight limitations charts, with a maximum weight limit of 105,500 pounds (maximum axle weight of 20,000 pounds). Generally speaking this policy has worked well for the County. However, recently we have experienced extensive damage to some of our roadways and the Highway Department feels that we may need to apply additional constraints on the traveling public in order to maintain the integrity of the roadway until major reconstruction work can take place.

Our current concern is County Highway 10 from Bismarck City Limit to 158th Street NE. This year we are experience a high level of truck traffic from a bituminous plant in the Aberle Park 2nd Subdivision going to City of Bismarck. We have already spent all of our 2023 Patching budget for the year; however, the roadway is continuing to break up and we would like the Board to consider applying some of the following restrictions.

Items to consider:

- 1) The Board could place a “45 mph Truck” speed limit on this segment of roadway. This would reduce the dynamic impact to the roadway and may divert some of the truck traffic to the Interstate System.
- 2) The Board could place weight restriction on this roadway. If considered, we would recommend 80,000 pounds (Max Gross Vehicle Weight) with a 6 Ton max Single Axle weight. This loading is the same that is placed on most of our paved roadways during Spring Load Restrictions and currently a year-round restriction on Apple Creek Roadway and River Roadway.
- 3) The Board could eliminate all overload permits on this segment of roadway.

These restrictions will need to stay in place until we can perform a mill and overlay project in 2024.

RECOMMENDATION:

It is recommended that the Board review and discuss the Highway Department's concerns and then direct staff how to proceed.



BURLEIGH COUNTY HIGHWAY DEPARTMENT

8100 43RD AVENUE NE
BISMARCK, ND 58503
701-204-7748
FAX 701-204-7749
www.burleighco.com

Request for County Board Action

DATE: September 6, 2023

TO: Mark Splonskowski
County Auditor

FROM: Marcus J. Hall
County Engineer

RE: Current 2023 Highway Fund Balance.

Please place the following item on the next Burleigh County Board agenda.

ACTION REQUESTED:

Authorize the proper County officials to transfer money from the Highway Department's Savings account to the Highway General Account.

BACKGROUND:

As the County Board is well aware of, the 22/23 winter was extremely hard and forced the County Highway Department to spend more money on snow removal than normal. Our 5-year average (between the 17/18 to 21/22 seasons) for snow removal was \$845,735 and generally this is about what is budgeted/spent each year for snow removal. During the 22/23 season we spent \$3,380,305 on snow removal. We did receive some additional money from the State of North Dakota to help with our cost, but even with this help the Highway Department spent an additional \$1,116,360 over our average cost for snow removal. We have been able to continue operations by reducing our expenses and by using money set aside for construction projects, however, we are now reaching a point when bills for construction projects need to be paid and we are having some cash flow concerns.

Most of the Highway Department's Savings account is currently invested in CD's (\$6,000,000 in 12-month CD's at 4.5% with a mature date of 2/28/24). We are requesting that \$800,000 be transferred from our Savings account to the Highway Department's General Account to cover anticipated payments in August and September. This is roughly what we have left in our Savings account (that is not

invested in CD's). We will need to reevaluate our account balances at the end of October to see if any additional funds are needed.

RECOMMENDATION:

It is recommended that the County Board adopt the attached proposed resolution.

PROPOSED RESOLUTION:

THEREFORE, BE IT RESOLVED: That County Staff is hereby directed to transfer \$800,000 from the Highway Department's Savings Account to the Highway Department's General Fund.



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Request for County Board Action

DATE: September 6, 2023

TO: Mark Splonskowski
County Auditor

FROM: Marcus J. Hall
County Engineer

RE: American Rescue Plan

Please place the following item on the next Burleigh County Board agenda.

ACTION REQUESTED:

Review request and direct staff on how to proceed.

BACKGROUND:

The Board requested additional information on the County funding of American Rescue Plan Projects. We have included a list of all projects that have been funded and a list of projects that have been unfunded or underfunded that fit into the Water, Sewer or Broadband category.

American Rescue Plan Project					
Project Name	Entity Name	Amount Approved	Amount Spent	Amount yet to spend	Status
Burleigh County Courthouse Renovation	Burleigh County	\$603,501	\$603,501.00	\$0.00	Done
Morton Township First Responder AED	Morton Township	\$1,900	\$1,677.20	\$0.00	Done
2022 Street and Utility Improvements	Wilton	\$666,666	\$562,594.05	\$104,071.95	Under construction
2023 Street and Utility Improvements	Wilton	\$318,865		\$318,865.00	Under design
Morton Township Standby Generator	Morton Township	\$5,800	\$5,800.00	\$0.00	Done
66th Street Grade Separation and Apple Creek Crossing	Burleigh County	\$1,000,000	\$860,679.93	\$139,320.07	To be moved
66th Street RR Overpass #2	Burleigh County	\$1,094,507.00		\$1,094,507.00	To be moved
Bryan Slough Project	Burleigh County	\$1,000,000	\$1,328.00	\$998,672.00	Under design
Burleigh County WTP Improvements	SCRWD	\$758,151	\$629,252.10	\$128,898.90	On going
Wing, ND Water Main Replacement	Wing	\$1,000,000	\$992,323.19	\$7,676.81	On going
Joan Hetzel Memorial 4-H Building Broadban Access	Bismarck Parks	\$12,750	\$12,750.00	\$0.00	Done
Wilton Ambulance Premium Pay for Essential Workers	Wilton Ambulance	\$50,000	\$41,509.00	\$8,491.00	On going
Provident Building Renovation	Burleigh County	\$2,000,000	\$372,545.73	\$1,627,454.27	Under design
Provident Building Renovation Phase 2	Burleigh County	\$5,000,000.00		\$5,000,000.00	Under design
Burleigh County PPE	Burleigh County	\$374,440	\$231,674.52	\$142,765.48	On going
Wing Ambulance Premium Pay for Essential Workers	Wing Ambulance	\$50,000	\$27,040.00	\$0.00	Done
BMDC 4 Full-Time Employees for Covid-19 Mitigation	Burleigh County	\$1,037,608	\$341,911.65	\$695,696.35	On going
Reimbursement from Morton County for BMDC	Morton County	-\$254,214		-\$254,214.00	On going
Wilton Fire Protection District Premium Pay	Wilton Fire	\$50,000.00	\$1,776.89	\$0.00	Done
Provident Building - HVAC Replacement	Burleigh County	\$379,850.00	\$349,488.78	\$30,361.22	On going
Sheriff Dept Shop Repairs	Burleigh County	\$324,312.00	\$182,005.33	\$142,306.67	On going
Bismarck Rural Fire Department - New Station	Bismarck Rural Fire	\$2,000,000.00	\$0.00	\$2,000,000.00	Under design
Amount allocated by the Commission to CIP	Burleigh County	\$188,581.00	\$0.00	\$188,581.00	On going
Kidder Ambulance Premium Pay	Kidder County	\$50,000	\$0.00	\$0.00	Did not apply
McClusky Ambulance Premium Pay	Sheridan County	\$50,000	\$0.00	\$0.00	Did not apply
Wing Rural Fire Premium Pay	Wing Fire	\$50,000	\$0.00	\$0.00	Did not apply
Sterling Rural Fire Premium Pay	Sterling Fire	\$50,000	\$0.00	\$0.00	Did not apply
Braddock Rural Fire Premium Pay	Kidder County	\$50,000	\$0.00	\$0.00	Did not apply
		\$17,912,717	\$5,217,857.37		
	Funds Allocated	\$17,912,717	\$5,217,857.37	\$12,373,453.72	\$17,591,311.09
	Funds Received	\$18,574,229			\$18,574,229
	Unallocated Funds	\$661,512			\$982,918

American Rescue Plan Project - Unfunded and Underfunded					
8/25/2023					
Project Name:	Applicant	Project Cost Request but Unfunded	Granted Funding	Amounty Spent	Balance
Water Treatment Plant Supervisory Control...	Bismarck	\$1,400,000			
Aerated Flow Equalization Basin	Bismarck	\$6,955,000			
BEK Communications Cooperative	BEK	\$958,611.00			
City of Lincoln	City of Lincoln	\$7,159,000.00			
South Central Regional Water - North Tank	SCRWD	\$2,288,000.00			
City of Wing - Wastewater treatment system project	City of Wing	\$1,100,000.00			
2023 Street and Utility Improvements	City of Wilton		\$318,865	\$0.00	\$318,865.00
Bryan Slough Project	Burleigh County		\$1,000,000	\$1,328.00	\$998,672.00
Burleigh County WTP Improvements	SCRWD		\$758,151	\$629,252.10	\$128,898.90
Bismarck Rural Fire Department - New Station	Bismarck Rural Fire		\$2,000,000.00	\$0.00	\$2,000,000.00

RECOMMENDATION:

It is recommended that the Board review the project list and direct staff on how to proceed with allocation of the remaining funds.

ITEM

11



BURLEIGH COUNTY SHERIFF'S DEPARTMENT

KELLY LEBEN
SHERIFF

To: Mark Splonskowski, Auditor
From: Kelly Leben, Sheriff
Re: Commission Agenda
Date: August 29, 2023

A handwritten signature in blue ink, appearing to read "Kelly Leben".

Please place me on the agenda for the September 6, 2023 County Commission Agenda. I will provide an update to the commission on the following item:

- Discussion w/ ND Parks and Recreation in regards to ATV Safety

This will be a verbal discussion with no presented materials. Thanks!

COURTHOUSE

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www.facebook.com/BurleighCountySheriffsDepartment

BURLEIGH MORTON DETENTION CENTER

4000 Apple Creek Road • PO Box 2499
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ITEM

12

Addenda item for September 6th, 2023 Meeting

Action Requested

Discuss the Proposed Burleigh County Equestrian Center that was proposed at the past Burleigh County Park Board Meeting

Description:

A third party has reviewed the proposed budget of operating costs as well as income potential from the events that the facility could host.

Based upon Johnson Consulting's high-level assessment of underlying assumptions and operating projections for the proposed Burleigh County Equestrian & Ag Center, it is our independent assessment that the level of activity is not unachievable.

The construction estimates for phase 1 is \$33,000,000

States Attorney Lawyer to confirm the legality of the project since some money will come from the county, some from the state and remaining from private donorships as well as income from selling naming rights. The project will be completed on land owned by the county, a portion of the project could be funded by the county and the building will remain as a county asset.

Action needed:

Move to approve the allowance of a grant application to be filed with the State of North Dakota requesting \$5,000,000 from ND Commerce Destination Development Grant fund. Burleigh County will match that grant with \$5,000,000 from the Missouri Valley Complex Fair Grounds fund. All additional construction funds must be pledged from private donations prior the County allocating the funds to the construction project for Phase 1 of the project.

Move to approve spending up to \$25,000 to hire ICON Architects to create a complete site plan and building elevations. This money to come from the Missouri Valley Complex Fair grounds fund.

ITEM

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